
**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

EMILY COWEY, et al.,	:	
	:	
Plaintiffs	:	Case No. -
	:	
v.	:	
	:	
WILLIAM MULLEN, et al.,	:	
	:	
Defendants	:	

DECLARATION OF EMILY COWEY

I, Emily Cowey, am competent to state and declare the following based on my personal knowledge:

1. I, Emily Cowey:
 - a. Am a United States citizen;
 - b. Am a resident of Allegheny County, Pennsylvania, and citizen of the Commonwealth of Pennsylvania;
 - c. Am over the age of twenty-one (21);
 - d. Am not under indictment;
 - e. Have never been convicted of a felony or misdemeanor crime of domestic violence;
 - f. Have never been convicted of a crime punishable by more than one (1) year;

- g. Am not a fugitive from justice;
 - h. Am not an unlawful user of, or addicted to, any controlled substance;
 - i. Have not been adjudicated a mental defective or been committed to a mental institution;
 - j. Have not been discharged from the Armed Forces under dishonorable conditions;
 - k. Have never renounced my citizenship; and,
 - l. Am not the subject of a restraining order relating to an intimate partner.
- 2. I have never been charged with nor convicted of any misdemeanor or felony offense.
 - 3. I am not prohibited from possessing firearms and ammunition under federal or state laws.
 - 4. I am not prohibited from receiving a license to carry a firearm ("LTCF") under 18 Pa.C.S. § 6109(e).
 - 5. I am not disqualified from exercising my right to keep and bear arms.
 - 6. For all of these reasons, if I were subjected to a background check for the purpose of acquiring a LTCF, such as the Pennsylvania State Police's E-PICS system, online at <https://epics.pa.gov/Pics>, I would pass and be reported as eligible to receive a LTCF under 18 Pa.C.S. § 6109.

7. My fundamental right to keep and bear arms includes the right to carry loaded, operable handguns on my person in public for all lawful purposes, including immediate self-defense and in case of confrontation.
8. I wish and intend to exercise my right to carry loaded firearms in public for self-defense and other lawful purposes.
9. I am not exempt from the Commonwealth's criminal laws banning the carry of firearms generally, and during states of emergency.
10. I am the mother of a 16-month-old daughter.
11. With the recent civil unrest, violent protests, and riots, I have become particularly concerned about my safety, especially when I am outside of my home in public places or traveling in motor vehicles, and wish to exercise my right to carry a loaded, operable firearm for self-defense in public, especially now that I have a small child in my care.
12. I have been trying to acquire a LTCF from County Defendants' ACSO Firearms Division since April of this year.
13. Since I began seeking to acquire my LTCF, County Defendants' ACSO Firearms Division has been either closed or impossible to get an appointment to even apply for a LTCF.

14. At one point after I began attempting to acquire a LTCF I came to understand that County Defendants' ACSO Firearms Division's LTCF application appointments were booked out until 2022
15. I have been frustrated and discouraged from acquiring my LTCF by County Defendants policies and practices.
16. To this date, I have been unable to make or attend an appointment at County Defendants' ACSO Firearms Division to submit a LTCF application, thereby preventing me from exercising my constitutionally enumerated right to bear arms.
17. I must leave my home for various reasons, such as acquiring groceries and personal items, fuel, and other lawful purposes.
18. My understanding is that, in addition to the current closure, the County Defendants' ACSO Firearms Division suffers from an enormous backlog of scheduled appointments, with individuals being given appointment dates well into 2021 to merely submit an application for a LTCF.
19. I could, and would if it were possible, submit my completed LTCF application to the County Defendants through an online system, Internet form, or email, such as those the County Defendants use for other services, or even U.S. Mail or courier were it necessary.

20. I could, and would if it were possible, use E-PICS to submit and complete my background check likely within a matter of minutes for the purpose of acquiring a LTCF.
21. It is my understanding that the County Defendants could but do not provide any alternative means of applying for, processing, and issuing LTCF licenses.
22. It is my understanding that the County Defendants choose their appointment and in-person-only based LTCF application and issuance processes, and are currently choosing to completely close their ACSO Firearms Division, in spite of other more efficient systems allowing for online applications, such as the Permitium PermitDirector online system used by many other licensing authorities in Pennsylvania.
23. It is my understanding of Pennsylvania law that 18 Pa.C.S. § 6106 prohibits me from carrying a concealed firearm for self-defense absent being issued a LTCF by the Allegheny Defendants under 18 Pa.C.S. § 6109.
24. It is my understanding of Pennsylvania law that, due to Governor Wolf's proclamations of emergency, 18 Pa.C.S. § 6107 makes it unlawful to carry a firearm upon the public streets or upon any public property absent being issued a LTCF by the Allegheny Defendants under 18 Pa.C.S. § 6109.
25. As such, I intend and desire to acquire a LTCF from County Defendants' ACSO Firearms Division.

26. I am aware that the law prevents me from applying for a LTCF in any other county in which I am not a resident, despite the fact that many of them remain open and operational for, among other things, LTCF licensing purposes.
27. Further, I am aware that many Pennsylvania county sheriffs, such as those for the counties of Schuylkill, Berks, Blair, Bucks, Cambria, Monroe, Montgomery, Pike, and Wayne have implemented and are using common online systems to allow individuals to apply for a LTCF completely over the Internet, negating the need for a person to appear in person to apply.
28. Because of Defendants' laws, policies, and enforcement practices, I have been and remain disarmed in public, prevented from exercising my right to bear arms by carrying a loaded, operable firearm for all lawful purposes including self-defense without risk of criminal prosecution for violations of 18 Pa.C.S. §§ 6106 and 6107.
29. My understanding is that Defendant Evanchick and County Defendants Sheriff Mullen and County of Allegheny have and currently are enforcing laws and policies which make it a crime for me to carry a loaded, operable handgun in public for self-defense without a LTCF that can only be issued to me by the County Defendants.
30. I have been advised and am aware that if I am convicted for a crime of carrying a firearm without a LTCF, under Pennsylvania law, the crime is graded as a

graded as a misdemeanor of the first degree and punishable by up to five years imprisonment.

31. I have been advised and am aware that if I am convicted of a misdemeanor of the first degree for a violation of 18 Pa.C.S. §§ 6106 or 6107, it will trigger the federal prohibition found in 18 U.S.C. § 922(g)(1), which would result in a lifetime ban on the exercise of my Second Amendment right to keep and bear arms and ammunition.
32. I wish and intend to carry a loaded, operable handgun on my person, in public and in motor vehicles, for the purpose of immediate self-defense and other lawful purposes.
33. I have so far abstained from such constitutionally protected conduct because I fear that the Defendants will enforce their laws and policies on me, including by arrest, prosecution, incarceration, a fine, and a lifetime ban on keeping and bearing arms.
34. Unless either: A) Defendants' enforcement of 18 Pa.C.S. §§ 6106 and 6107, and their related policies and practices that prevent me from lawfully carrying a firearm on my person in public for lawful purposes including self-defense, are enjoined; or B) enforcement of County Defendants' laws, policies, and practices preventing me from applying for and being issued a LTCF are enjoined, and Allegheny Defendants are ordered to and do issue me a LTCF,

I have and will continue to suffer irreparable harm and the denial of my constitutionally guaranteed fundamental right to bear arms.

I declare under penalty of perjury that the foregoing is true and accurate to the best of my information, knowledge and belief.

Date: November 28, 2020



Emily Cowey